IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.66681-M of 2006

DATE OF DECISION: NOVEMBER 21, 2006

Paramjeet Kaur alias Rani

...PETITIONER

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. L.S.Goraya, Advocate,
for the petitioner.
Mr.N.S.Gill, AAG, Punjab.
Mr.Rajeev K.Kapila, Advocate,
for the complainant.

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Petitioner Paramjeet Kaur alias Rani has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.19 dated 13.9.2006 registered under Section 306 IPC at Police Station Gardiwala, District Hoshiarpur.

I have heard the counsel for the parties and gone through the contents of the FIR as well as the order dated 11.10.2006 passed by the Additional Sessions Judge, Hoshiarpur, whereby bail has been declined to the petitioner.

In this case, the aforesaid FIR was registered on the statement of Naranjan Singh, father of Gurdip Kaur deceased, alleging therein that his daughter was married with Surinderjit Singh son of Mangat Singh (co-accused) in the year 1989. She was having two sons aged 14 years and 12 years, respectively. It has been alleged that his daughter was hard of hearing and because of that she was being harassed by her husband and his

family members. It has been further alleged that his daughter told him that her husband is having illicit relations with Paramjeet Kaur alias Rani (petitioner), who is residing in the neighbourhood. It has been further alleged that she is interfering in her personal life. It has been stated that his daughter several times made complaints to him in this regard, but he asked her to return to her matrimonial home after making her understand. It has been alleged that before two months of the alleged occurrence after being harassed from her in-laws family, she came to him and lived for one week, and thereafter, she returned back to her in-laws house. It has been further alleged that on 12.9.2006, his daughter was being harassed by her husband, mother-in-law and the petitioner in connivance with each other and they taunted her, then she came back to village Poshi Bet and narrated the whole story. Thereafter, she went to her sister's house at Naraingarh from where she returned back to her matrimonial home where she committed suicide.

Counsel for the petitioner contends that the petitioner, who is 35 years old lady having two children, has been falsely implicated only with the allegation that she was having illicit relations with the husband of the deceased. Counsel further contends that as per the allegations, the said illicit relations were going on for a long time. It is the case of the petitioner that even the allegations made in the FIR do not fall under the definition of abetment. Counsel contends that there is no evidence available on the record except the bald statement of the complainant that the petitioner was having illicit relations with the husband of the deceased. Nobody in the village has supported this version of the prosecution. Counsel contends that the petitioner is in custody since 13.9.2006 and the trial is not going to conclude soon. Though counsel for the respondent-State could not point out any other

evidence against the petitioner except the statement of the complainant, however, he stated that the petitioner should not be granted regular bail keeping in view the nature of allegations against her.

Keeping in view the aforesaid facts and the fact that in case the petitioner is released on bail, there is no likelihood that she being a lady will influence the prosecution witnesses, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner, and she is accordingly ordered to be released on bail to the satisfaction of the trial Court.

November 21, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE